

GRANT PROPOSAL

OHIO DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WILDLIFE

WILDLIFE MANAGEMENT IN OHIO

FEDERAL AID IN WILDLIFE RESTORATION PROJECT W-134-P

PREFACE

This is a program funded Comprehensive Management Plan (CMP) grant under the Federal Aid in Wildlife Restoration Program. Project documentation is comprised of a broad-based narrative describing the Ohio Department of Natural Resources, Division of Wildlife's Strategic Plan and Comprehensive Management System, supported by the Comprehensive Management System Handbook, which demonstrates that the Ohio Division of Wildlife has a systematic approach to making management decisions which meets or exceeds requirements of the Federal Aid Handbook planning implementation chapter, including compliance with all relevant regulations and guidance.

This documentation is the collective product of Ohio Division of Wildlife and U.S. Fish and Wildlife Service Region 3 Federal Aid staff, and includes a section regarding Agency roles in administering this project. We have made a sincere attempt to produce a comprehensive management system handbook that provides operational guidance on the selection, preparation, implementation and reporting of all Division of Wildlife state projects.

TABLE OF CONTENTS

I.	INTRODUCTION.....	3
II.	COMPREHENSIVE MANAGEMENT SYSTEM.....	3
	A. Inventory/Strategic Plan.....	3
	B. Operational Plan.....	3
	C. Evaluation.....	4
III.	COMPREHENSIVE MANAGEMENT SYSTEM STANDARDS.....	4
IV.	FEDERALLY FUNDED STATE PROJECTS.....	5
V.	PROGRAM INCOME.....	6
VI.	INKIND VALUE.....	7
VII.	REPORTING REQUIREMENTS.....	7
	A. Research Projects.....	7
	B. Land Acquisition Projects.....	8
VIII.	GRANT PROPOSAL/GRANT AGREEMENT AMENDMENTS.....	8
IX.	AGENCY ROLES.....	8
X.	ELIGIBILITY FOR FEDERAL FUNDING.....	9
XI.	FEDERAL AID COMPLIANCE.....	9
	A. Section 504 Compliance.....	10
	B. Endangered Species Act.....	10
	C. Substantiality in Character and Design.....	11
	D. Use of Federal Aid Funds on Private Lands.....	12
	E. Real and Personal Property Accountability.....	13

INTRODUCTION

The mission of the Ohio Division of Wildlife is to conserve and improve fish and wildlife resources and their habitats, and promote their use and appreciation by the people so that these resources continue to enhance the quality of life for all Ohioans. To that end, the Division of Wildlife developed a Strategic Plan which was designed to make effective and efficient use of agency funds by involving the public in the planning process, identifying agency products, setting objectives to supply products desired by the public, and identifying strategies that will allow the agency to provide those products. It is a forward-looking plan that encourages action, anticipates public demands, and identifies management problems and needs that impede satisfaction of that demand.

The Division of Wildlife has been operating under a CMP grant (FA Handbook 522 FW 5.1) for all Wildlife Restoration Program activities except hunter education since July 1, 1993, and including hunter education activities since July 1, 1997. This grant proposal formally incorporates the 2001-2010 strategic plan as the basis for projects and includes Wildlife Conservation Restoration Program activities as eligible projects under this grant.

The CMS is a structured system which focuses Agency resources at issues, programs and supporting documents identified in the Strategic Plan, 2001-2010. The CMS is a four-part system consisting of 1) Inventory, 2) Strategic Plan 3) Operational Plan and 4) Evaluation. The CMS handbook describes in detail the Ohio Division of Wildlife's management system and is considered an integral part of this grant proposal. CMS handbooks can be found within each organit.

COMPREHENSIVE MANAGEMENT SYSTEM

PARTS 1 - 2, INVENTORY AND STRATEGIC PLAN

Inventory and the Strategic Plan are closely linked portions of our CMS. The Ohio Division of Wildlife's Strategic Plan is divided into three primary areas: 1) Strategic Issues, which are broad, overriding issues, problems or opportunities that will affect the Division of Wildlife during the next 10 years; 2) Program Plans, which are focused areas of concern, interest, or responsibility that are related to one or more of the strategic issues, and 3) Supporting Documents, which are tactical documents (45) that link operations to the Strategic Issues and Program Plans. For the purposes of this grant, Supporting Documents are an official part of our Strategic Plan, and are the level at which strategic evaluation will occur for some Program Areas.

PART 3 - OPERATIONAL PLAN

The Operational plan "gives life" to the Strategic plan and answers the question "How do we get there?" This is the process in which money and manpower are organized into activities that contribute directly or indirectly toward accomplishing the Division's Strategic Plan objectives.

Operational planning performs the following basic functions:

(1) Provides an organized approach to solve resource needs recognized in the Strategic Plan.

(2) Serves as a basis for allocating manpower, equipment, and money to projects that benefit resource needs identified in the strategic plan.

(3) Serves as a basis for allocating manpower, equipment, and money to the projects that benefit Division Basic Services and Routine Operations.

PART 4 - EVALUATION

The Evaluation component allows us to answer the question; "Did we get there?" Feedback to decide how well strategies are working and if objectives have been met is an essential part of our Comprehensive Management System. This is a key component if we are to improve our management of Ohio's fish and wildlife resources. To evaluate the operational plan, the Division has developed computer systems which track personnel time and utilizes the State of Ohio's accounting system to track non-personnel expenditures for each project. These systems, along with the evaluation of project objectives, allow us to decide if the projects have been accomplished as planned. The Strategic Plan is evaluated by periodic review of program direction statements. The Division continually surveys Ohio's wildlife populations and Ohioan's usage of these resources that assist in the evaluation of program direction statements.

COMPREHENSIVE MANAGEMENT SYSTEM STANDARDS

In order to qualify for a CMP grant, a State's CMS must meet minimum standards as defined in Chapter 4 (522 FW 4.1) of the Federal Aid Handbook. The following outline for Ohio's CMS Handbook references each component of the Division of Wildlife CMS and cross-references the Federal Aid Handbook subsections that these components address. It also includes critical components that are not specifically referenced in the FA Handbook that were required in the 1982 FA Manual. The CMS in its entirety addresses the Federal Aid Handbook subsection 4.4 B(3).

I. COMPREHENSIVE MANAGEMENT SYSTEM

- A. Comprehensive Management System Overview

II. STRATEGIC PLAN

- A. Strategic Plan Overview
- B. Strategic Plan Development 4.3A
- C. Strategic Plan Revision Procedures 4.3A(7), 4.3B(4)

III. OPERATIONAL PLANNING

- A. Operational Planning Overview
- B. Project Selection and Development
 - 1. Project Selection Process 4.3B (1-3)
 - 2. Operational Plan Manual & Annual Supplement 4.3B (1-5)
 - 3. Capital Improvement Selection Process 4.3B (1-3)
 - 4. Capital Improvement Development Process 4.3B (1-3)
- C. Project Implementation
 - 1. Implementation Responsibility and Authority 4.3B (1-3)
 - 2. Mid Year Operational Plan Modification Procedures 4.3B (1-3)
- D. Project Control
 - 1. Project Monitoring
 - 2. Fiscal Reports
 - 3. Money Transfer Procedures
 - 4. Time and Activity Reporting System (TARS)
 - 5. Accomplishment/Problem Reports 4.3B (4)
- E. Project Evaluation
 - 1. Project Performance Report Process 4.3B (4)

IV. STRATEGIC EVALUATION

- A. Strategic Plan Evaluation Overview
- B. Strategic Plan Evaluation 4.3B (4)

In addition, the Ohio Division of Wildlife is responsible for meeting the requirements for participation and administration of its Federal Aid programs as described in 522 FW 2.1, Section 2.3 of the Federal Aid Handbook. The Division of Wildlife maintains a Federal Aid Program staffed by a coordinator and fiscal accountant to assure timely and consistent administration of its Federal Aid Projects.

FEDERALLY FUNDED STATE PROJECTS

Estimated total annual expenditures under this federal aid project represent Ohio's total participation in the Federal Aid in Wildlife Restoration Program (Table 1). Subaccounts 5220 (Wildlife Restoration), 5210 (Hunter Education), 5511 (Wildlife Conservation and Restoration Program Conservation) and 5512 (WCRP Recreation) are included in this project. Costs by subaccount will be provided with Grant Agreement documentation.

All Division of Wildlife activities and expenditures are organized into state projects, which are defined as work efforts that addresses a specific need(s); i.e., a group of activities performed to achieve a desired end point. State projects may be either new or ongoing. New state projects are all those being proposed during the first biennium of the grant proposal period and those being proposed for the first time thereafter. Ongoing state projects are those approved during a previous biennium that are submitted for reauthorization.

State projects are organized into categories to facilitate project development and decision making. Resources, however, are not budgeted at the category level, nor are project managers accountable for expenditures at the category level. Project managers have the authority (within certain guidelines) to transfer money and manpower from project to project (and category to category) in order to be responsive to fluctuating conditions (e.g., weather) and opportunities. For this reason, grant agreement obligations are accountable at the total operations level (by sub-account) as per agreement between the Division and U.S. Fish and Wildlife Service Region 3 Federal Aid staff. Per agreement with the USFWS the Service waives the requirements of 43 CFR 12.70.12 (c)ii for the state projects included in each grant agreement. Operational projects are categorized as one of the following:

Management: Management projects put strategies to work. They must link directly to the strategic plan (or supporting document). Direct linkage to the strategic plan means that a management project is a set of tasks derived from a strategic plan strategy or group of strategies, or from an issue or direction statement in the Ohio Division of Wildlife Strategic Plan 2001-2010. Management projects have the character "M" as the fourth character in the state project code string (e.g., W3PM01).

Research/Evaluation: Research and evaluation projects may differ, but they are classed together because their operational planning elements are similar.

Research projects define and/or solve problems and may be focused on strategic or operational problems. Strategic research involves the examination and identification of problems or the development of new strategies within the strategic plan. Operational research involves improvement or development of management techniques.

Evaluation projects involve measurements to see if strategic or operational objectives have been met. Strategic evaluations help determine whether or not strategic plan objectives have been met. Operational evaluations tell whether management and routine operations projects/activities worked as anticipated. Research and evaluation projects have the character "R" as the fourth character in the state project code string (e.g., WFPR08).

Routine Operations: Routine operations projects carry out activities that are indirectly linked to the strategic plan. Tasks outlined in the project are either implied in the strategic plan (e.g., fish production/stocking) or are required by the Division of Wildlife mission and/or goals (e.g., license compliance). Routine operations projects have the character "X" as the

fourth character in the state project code string (e.g., W2PX02).

Basic Services: Basic service projects are utilized to allocate time and money, which support an organizational unit's (orgunit) entire operation (e.g., overhead costs). An orgunit is a functional unit of the Division and the site of state project administration. Two conditions must be met before any cost or activity is included in a basic service project: (1) costs and activities cannot be allocated to a specific management, research/evaluation or routine operations project, and (2) the costs and activities are essential for the overall operation of the orgunit, such as building maintenance or utilities. Basic service projects have the character "B" as the fourth character in the state project code string (e.g., WWPB01).

Capital Improvements: Capital improvement projects deal with the acquisition of real property or any development that increases the value or usefulness of existing real property, and are completed using capital improvement appropriations. They may be linked to the strategic plan or necessary for the basic operation of the Division of Wildlife. They may also include associated planning activities such as need assessment, site identification, feasibility and environmental studies, and project design when accomplished by an outside contractor. As a general rule, any activity that fits the above definition having a nonpersonnel expenditure of more than \$5,000.00 and that is being developed to be included in the capital improvement appropriation request will be considered a capital improvement project. Capital improvement projects will have the character "C" as the fourth character in the state project code string (e.g., WAPC01).

Grant Agreement accountability for capital improvement projects is at the category (capital improvements) level.

Estimated total annual expenditures of Federal Aid in Wildlife Restoration Program funds are summarized in Table 1. These estimates are based on projected FFY 2003 Federal apportionments, SFY 2004-2005 projected state project expenditures, and an annual two per cent inflation factor. Funding by category is subject to change annually based on progress at achieving Strategic Plan goals and objectives, dynamic issue identification, and guidance provided from the Chief of the Division of Wildlife based on staff input.

Total estimated W-134-P, Wildlife Management in Ohio project expenditures of Federal Aid in Wildlife Restoration funds for SFY 2004-2009 are lower than the previous grant proposal period due to reductions in staff and budget. Estimated expenditures area as follows:

FISCAL YEAR	TOTAL	FEDERAL SHARE	STATE SHARE
2004	\$5,000,000	\$3,750,000	\$1,250,000
2005	5,150,000	3,862,500	1,287,500
04-05 biennium	\$10,150,000	\$7,612,500	\$2,537,500
2006	\$6,000,000	\$4,500,000	\$1,500,000
2007	6,250,000	4,687,500	1,562,500
06-07 biennium	\$12,250,000	\$9,187,500	\$3,062,500
2008	\$6,750,000	\$5,062,500	\$1,687,500
2009	\$6,850,000	\$5,137,500	\$1,712,500
08-09 biennium	\$13,600,000	\$10,200,000	\$3,400,000
TOTAL	\$36,000,000	\$27,000,000	\$9,000,000

PROGRAM INCOME

Program income results primarily from sharecropping, timber sales, oil and gas well royalties, and periodic leasing of trapping rights to control nuisance muskrat populations at Lake Erie marshes. Annual revenues from these sources are expected to remain fairly stable at approximately \$450,000 annually, and will be applied as credits against annual project expenditures for the year in which revenue is collected.

INKIND VALUE

Inkind value may be utilized as the State share of project costs consistent with historical use traditional Ohio Federal Aid in Sport Fish and Wildlife Restoration projects. Specifically, land purchased with state dollars (documented in W-135-L) will be used as inkind match for additional wildlife area land acquisitions, and volunteer time (valued at the average pay rate of a Wildlife Officer) will be used as inkind value for hunter education projects.

Allowable Uses for Excess In-Kind

When the value of in-kind contributions exceeds the required State match for an activity described in a project statement, the excess can be applied to similar activities within the project statement. Several examples are listed below:

The value of land contributed or purchased with non-Federal funds may be used to match purchases of contiguous parcels or other lands within the boundaries of a management area, preserve, or refuge. Land not related to a management area or unit cannot be used as match for acquisition in that area.

Volunteer Hunter Education instructor time for classroom training cannot be applied as match for the construction of shooting ranges.

Volunteer fishing clinic instructor time may be used for related activities, but cannot be applied as in-kind match for the development of an aquatic ecosystem interpretive center.

Land and/or services donated to construct a boating access site may be used at that site, but not at other sites.

Volunteer services contributed for creel census on a lake may be applied to similar work on another lake or a river described in the same project statement, but cannot be applied to dissimilar work such as lake fertilization or fish stocking activities in the same areas.

REPORTING REQUIREMENTS

An annual performance report will be submitted for each State project to compare actual performance to planned accomplishments, and to report costs incurred. In most cases, the State performance report will fulfill Federal Aid reporting needs. Performance reports for Federally funded projects must contain the following information:

- A. A summary of work completed during the state fiscal year related to the schedule of work submitted for the period.
- B. The costs incurred, by project, during the grant agreement period.
- C. The location(s) of work performed.
- D. Acknowledgment of the Federal Aid Program that funded the project and the grant agreement period (segment) during which funded work was completed.

Special reporting conditions apply as follows:

RESEARCH PROJECTS

A report will be prepared at the completion of each research project in a format consistent with the subject matter and the audience to whom directed. The report may be either:

- 1) A final report, signed by a state official, containing the following information:

Name of the State, project title, Federal Aid Program acknowledgment, the period covered by the research, and the name of the researcher(s);

The problem or need which prompted the research;

Evidence of a review of prior research and studies in progress on the problem;

The objective(s) addressed;

The approach or procedures utilized; and

A discussion of the findings, related to the objective(s) and to the problem or need, including a discussion of the management implications of the findings.

2) A publication or manuscript that contains the above information and which has been submitted for publication. This publication or manuscript may contain the results of more than one completed study. A popular account of research is acceptable as a final report if it is precise and complete and a non-technical audience is the intended target of the research.

LAND ACQUISITION PROJECTS

A land acquisition report will be submitted for each tract of land acquired within 90 days of the acquisition. Each land acquisition report will provide a summary of land costs, title vesting evidence for each tract of land acquired, and a section map of the tract(s). The Division of Wildlife will follow the procedures for land transactions as described in chapter 6 of the Federal Aid Handbook. The Division of Wildlife will follow the procedures described in the USFWS Region 3 Federal Aid Land Acquisition Grant workbook for all easements, land trades and divestitures.

GRANT PROPOSAL/GRANT AGREEMENT AMENDMENTS

GRANT PROPOSAL (GP) AMENDMENTS

The Grant Proposal will be amended when:

- 1) strategic plan chapters or objectives are added, deleted or amended;
- 2) a substantial change in the scope of federal funding is required;

3) there is a significant change in the Comprehensive Management System related to the criteria used by the USFWS to approve the project (e.g. reorganization of the administration of the DOW as described in the CMS Handbook).

As the Federal Aid Grants to the Ohio Division of Wildlife are to implement the Division's comprehensive management system (CMS), adding state projects to a given grant agreement does not require a before-the-fact approved amendment to the GA unless the state project does not fit one of the NEPA categorical exclusions. For new state projects which are eligible for WR funding, but that may not fit NEPA categorical exclusions, a formal GA amendment will be submitted with an Environmental Analysis Report (OEAR), and approved before-the-fact. No qualifying state project will be considered for a categorical exclusion until the project has been cleared by the State Historic Preservation Officer (SHPO).

The Grant Agreement (2-year duration concurrent with State of Ohio operations biennium) will be amended:

- 1) to add state projects that are not identified at the beginning of the Grant Agreement period and do not qualify as categorical exclusions (state project work will not be initiated until the GA amendment is approved);
- 2) to reconcile total Grant Agreement estimated costs prior to the end

of each biennium segment (if necessary);

3) to change the Grant Agreement rate of participation or duration;

4) to change obligations to various subaccounts (i.e., regular WR, Hunter Ed, Section 10 Hunter Ed, Wildlife Conservation, and Wildlife Recreation.

Although formal before-the-fact GA amendments are not required under these FA grants to add state projects which the Division recommends for NEPA categorical exclusion, the Federal Aid grant administrator will be consulted regarding the recommended NEPA determination prior to implementation. This consultation will be initiated by the Federal Aid Coordinator via e-mail or phone call describing in detail the proposed project and the reasoning behind the recommended NEPA determination. The Federal Aid grant administrator must respond with a concurrence on the NEPA determination before an effective date can be issued for the project. In such cases, however, periodic amendments will be submitted after-the-fact, with a revised list of state projects, to formally add the federally funded state projects to the GA. This will, in part, assure documentation of the Federal NEPA determination for any added work performed under the grant(s). For new state projects for research (i.e., studies), GA amendments will include a summary of project information for the Current Federal Aid Research (CFAR) database.

AGENCY ROLES

Under this Federal Aid project, it is the responsibility of the Ohio Division of Wildlife, through implementation of a qualifying Comprehensive Management System, to follow the CMS as described in the GP and CMS handbook. It is also the DOW'S responsibility to focus on strategy implementation and objective accomplishment of it's strategic plan, while insuring eligibility, substantiality and compliance in all Federally funded work units (State projects). The role of the Region 3 Fish and Wildlife Service staff is to insure the integrity of Ohio's Comprehensive Management System to fulfill these responsibilities. The Region 3 staff will also ensure that the Division of Wildlife adheres to the CMS as described in the GP and CMS Handbook. (See attached State/Federal Roles in the Program Funding Option)

For compliance under the National Environmental Policy Act (NEPA), the role of the Ohio Division of Wildlife is to adhere to NEPA for all projects using federal funds. The Fish and Wildlife Service is responsible for final NEPA determinations.

ELIGIBILITY FOR FEDERAL FUNDING

The Project Proposal Review Form (Form 89) will be used to verify and date Federal Aid review.

The Federal Aid Coordinator will complete a detailed review of each new project to insure that proposed project activities and costs are eligible. Eligible activities are projects that have as their purpose 1) the restoration, conservation, management and enhancement of wild birds and/or wild mammals, and the provisions for public use and benefits from these resources, 2) projects having as their purpose the education of hunters and archers in the skills, knowledge and attitudes necessary to be responsible hunters and or archers, 3) wildlife conservation projects that supplement existing wildlife programs, with appropriate consideration to all wildlife and priority to those species with the greatest conservation need, 4) wildlife associated recreation projects, or 5) wildlife conservation education projects. Projects that implement the following activities are not eligible for Wildlife Restoration funding:

a. Enforcement of wildlife laws and regulations except when necessary for accomplishment of approved FA project purposes.

b. Public relations activities conducted to promote organizations and agencies, including publication of agency magazines, displays and activities.

c. Activities for the purpose of producing revenue. This includes processes or procedures directly related to the sale of licenses, permits, etc., which are imposed by law or regulation.

- d. Providing services or property of material value to individuals or groups for commercial purposes or to benefit such individuals or groups.
- e. The establishment, publication, and dissemination of hunting regulations.
- f. Acquiring or developing lands to mitigate habitat losses resulting from actions taken by other agencies.
- g. Operating or maintaining developments acquired or constructed under state projects funded by the Land and Water Conservation Fund.
- h. Projects or programs that promote or encourage opposition to the regulated taking of wildlife.

FEDERAL AID COMPLIANCE

State projects that are funded under Federal Aid programs will be done in compliance with all Federal statutory and regulatory requirements (FA Handbook 523 FW 1.1 - 1.18) as described in Section V. of the CMS Handbook. NEPA documentation will be completed for all qualifying new or revised projects which are eligible for the federal aid grant in whole or in part, and retained by the Federal Aid Coordinator, project leader, and Group Administrator. A list of projects, organized by Department of Interior's NEPA categorical exclusion, will be provided as a part of grant agreement documentation, as agreed between the Division and the Region 3 federal aid grant administrator. This document will represent the Division's recommendations for NEPA categorical exclusion for the State projects to be funded during the segment. No qualifying project will be recommended for a categorical exclusion until the project has been cleared by the State Historic Preservation Officer (SHPO). USFWS Ecological Services will be consulted when state projects may adversely affect endangered species or significantly affect the human environment.

SECTION 504 COMPLIANCE

All projects involving the construction of facilities are designed to be accessible to people with disabilities in compliance with Section 504 of the Rehabilitation Act of 1973. The Ohio Department of Natural Resources, Office of the Chief Engineer and Division of Wildlife project leaders review plans and specifications for all construction projects. Financial assistance contracts to other Divisions and/or local units of government include the requirement that accessibility must be included. Technical assistance is available to local units of government for funded projects through the ODNR, Office of the Chief Engineer.

The Division of Wildlife's Self-Evaluation and Transition Plan were found to be in compliance with Section 504 and Department of the Interior Regulations in 1991. This finding means that all Division of Wildlife program areas are accessible to all citizens. Periodic training of appropriate Division personnel and ODNR support personnel will be conducted to remain current regarding Section 504 and ADA requirements.

Endangered Species Act

For any federally funded state project where a federally listed threatened or endangered species may be affected, (as identified by the Natural Heritage Program data request and/or the USFWS Endangered Species County List), the project writer is required to list the affected species, briefly describe the planned action, describe the relationship of the listed species to the project activity, and describe the impact the project may have on the listed species and/or their habitat. This will be described in Section 7, Part 1 of the OEAR Form, with additional page(s) attached as necessary. The terrestrial and/or aquatic staff specialist will provide additional comments in Part 2, if necessary, and sign off that they agree or disagree with anticipated project impacts.

A Memorandum of Agreement (MOA) is in effect between the Division of Wildlife and the USFWS that states that the Ohio OEAR process satisfies Section 7 compliance of the Endangered Species Act and that Phase I

forms are not required for individual projects if the OEAR process has been completed on the project. The MOA further states it is agreed that the following categorically excluded (516 DM 6, Appendix 1, 1/16/97) projects, by definition, are not required to undergo Division of Wildlife internal environmental review due to their insignificant or discountable potential to impact Federally Listed, Candidate or Proposed plant or animal species or their critical habitats: 1.4A(1), 1.4A(2), 1.4A(3), 1.4B(1), 1.4B(8), 1.4B(9), 1.4B(10), 1.4C(4), 1.4B(2).

The MOA states that for a finding of "No Species/Critical Habitat Present" or "No Effect on Species/Critical Habitat Present", Section 7 requirements are fulfilled and the project may be approved.

For a finding of "Not Likely to Adversely Affect" any federally listed, candidate, or proposed plant or animal species, state documentation will include 1) species status, 2) habitat status, 3) impacts of action, as described in the Federal Aid Phase 1 Evaluation Form, and the state project may be approved by the Federal Aid Specialist if he/she concurs with the finding. Concurrence by the FWS Reynoldsburg Field Office, Ecological services, may be requested at the discretion of the Federal Aid Specialist, DOW or Division of Natural Areas and Preserves.

For a finding of "Likely to Adversely Affect" any federally listed, candidate, or proposed plant or animal species, or their critical habitat, consultation will be initiated with the FWS Reynoldsburg Field Office, Ecological Services, and must be formally completed and documented before the project can be approved as part of the grant.

SUBSTANTIALITY IN CHARACTER AND DESIGN

The Division of Wildlife has, via documentation and 11 plus years of operating and monitoring their comprehensive management system (CMS), shown that the CMS upon which this Comprehensive Management Program (CMP) grant is based, is substantial in character and design. Via field and document reviews, the Fish and Wildlife Service has concluded and concurred that the Division's CMS is substantial in character and design.

Under the CMP, all state projects to be funded with each grant agreement (GA) must be substantial in character and design, as well. However, under the CMP grant to the Division, the responsibility for determination of substantiality of character and design for each state project is delegated from the Fish and Wildlife Service to the Division.

All projects proposed for funding under the Federal Aid in Sport Fish or Wildlife Restoration Acts must be substantial in character and design. The classic definition of a substantial project, as stated in the Acts, is one which:

- a) Identifies and describes a need within the purposes of the relevant Act to be utilized;
- b) Identifies the objectives to be accomplished based on the stated need;
- c) Utilizes accepted fish and wildlife conservation and management principles, sound design, and appropriate procedures; and
- d) Will yield benefits that are pertinent to the identified need at a level commensurate with project costs.

For purposes of implementation of the Ohio Division of Wildlife Comprehensive Management System, and in concert with the Region 3 FA Renovation Issue 22, the working definition of Substantiality in Character and Design for the purpose of implementing state projects for Federal Aid funding is as follows:

I. **SUBSTANTIALITY OF CHARACTER** means that the project is Federal Aid eligible and addressed a need(s) identified in the strategic plan (NOTE: By their nature, basic services and some necessary routine operations projects

do not directly address problems identified in the strategic plan). It is the obligation of the project leader to provide this information in the "Needs/Justification" section of the State Project Narrative in a simple and clear manner (see Operational Plan Manual).

II. **SUBSTANTIALITY OF DESIGN** means that the "Procedures/Activities" as provided in the State Project Narrative will likely achieve the stated project "Objective" and result in the solution or at least partial solution of the problem stated in the "Needs/Justification". This section identifies the sound design and accepted research, management, construction, or other techniques to be used, or describes the innovative technique and the rationale for expecting it to produce the identified "Objective." Benefits should be shown in the narrative to be commensurate with project costs insofar as this can be realistically determined.

SENIOR STAFF REVIEW

The Division Federal Aid Coordinator is responsible for review of state projects proposed for funding under the CMP grant(s) to determine if they are eligible (Substantial in Character) for wildlife restoration funding, per 50 CFR 80.5. A broader process is used to determine that each state project is "Substantial in Design". During Senior Staff Review, projects are reviewed by senior staff, their assistants, and/or peer review groups ensuring that all federally funded projects meet the criteria listed above (50 CFR 80.13). Any major revisions or changes in a federally funded project are discussed with the project leader, who makes the required revisions in the state project proposal before the project is resubmitted for approval.

USE OF FEDERAL AID FUNDS ON PRIVATE LANDS

ELIGIBLE ACTIVITIES

Eligible private land projects must have as their purpose the restoration, conservation, management and enhancement of wild birds or mammals and the provision of public use of and benefits from these resources. Types of projects involving private lands can include:

a) Technical Assistance - Guidance is provided to private landowners **where** no on-the-ground work is paid for with FA funds.

b) Land Acquisition - Fee title or easement acquisition, converting ownership or partial control from private to public.

c) Development - FA funds can be used for some private lands habitat enhancement projects such as, but not limited to, development projects (i.e., wetland restoration, food plots, etc.) Projects of this type need to be evaluated on a case-by-case basis.

d) Research/Survey - FA funds can be used for some private lands research/survey projects. Projects will be evaluated on a case-by-case basis.

SUBSTANTIALITY IN CHARACTER AND DESIGN

All proposed private lands projects must be substantial in character and design as previously defined in this project narrative.

PROTECTING INVESTMENT (LAND CONTROL)

Projects undertaken on private lands must include a written agreement with the landowner providing appropriate land control to the State and insuring protection, maintenance and use of the project throughout its useful life. This agreement does not necessarily need to provide for public access, but should provide some public benefit and/or use as described below.

PUBLIC USE AND/OR BENEFIT

Projects must include provisions for public use of and benefits from work accomplished. Projects should involve activities that use accepted

practices, or must include evaluation components to measure benefits. Examples of public use and benefits from private lands projects could include, but not be limited to:

- providing off-site public benefits outside of the boundaries of the enhanced private lands; e.g., producing a harvestable surplus of waterfowl through wetland creation or restoration available to hunters in other counties or states.

- providing public access to private lands for hunting.

- use of enhanced areas for demonstration sites for other landowners, training agency personnel, sportsmen organizations, school groups, etc.

INELIGIBLE ACTIVITIES

Providing Material Value - Projects will not be undertaken on private lands to provide services or property of material value to individuals or groups for commercial purposes or to primarily benefit such individuals or groups. This does not prohibit some individual benefits from being accrued which are incidental to a greater public benefit.

Stocking Game Animals - Projects will not be undertaken to stock game animals for the purpose of providing immediate public hunting without objectives for restoration or establishment of self-sustaining populations.

Exception: Stocking is approvable provided project will be used for hunter education training purposes.

Projects that involve litigation will not be funded.

REAL AND PERSONAL PROPERTY ACCOUNTABILITY

In the context of this project, real property includes property acquired or facilities developed with Federal Aid funds, including in-kind contributions.

All property owned/purchased by the Ohio Department of Natural Resources, including the Division of Wildlife, is updated and summarized annually in the ODNR Land Inventory, which includes the following information: Division, Area, Parcel, County, Date Acquired, Grantor, Acreage, Cost, Value, and funding information, including use of Wildlife Restoration funds. Specific description and location information of federally funded land purchases is maintained in the Federal Aid Office of the Division of Wildlife.

Land will be acquired within this project to meet strategic objectives. These areas will be supervised regularly by Division of Wildlife management personnel and Wildlife Officers. Encroachment, illegal activities that affect the area, vandalism, etc. are reported and/or corrected as they are identified. In addition, all Division of Wildlife property lines are inspected and maintained at least every five years.

Facilities developed or constructed within this project will be identified in a database as they are completed, as will facilities developed prior to July 1, 1993 which 1) utilized federal funds and 2) have not been removed from accountability unless by authorized means. These facilities will be physically visited at least once every two years to assure they serve their intended purpose and are adequately maintained.

Nonexpendable and qualifying expendable personal property is accounted for in compliance with Division of Wildlife Procedure No. 29, Inventory and Salvage Procedure. A physical inventory is conducted, at a minimum, every two years to verify utilization, existence and need.

Equipment acquired by sub-grantees and third parties with federal Aid funds must be accounted for according to 43 CFR 12.72 (c) of the Common Rule. Property acquired by Universities must be accounted for according to OMB Circular A-110.

